

Chapter 16

Annexation

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Sec. 16-1. Petition.

Any petition for annexation shall be accompanied by the following:

- 1) A map of the subject property showing all lands that are proposed to be annexed. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 600 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- 2) A map of the subject property and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all other lands on the map as the names and addresses appear on the current tax records of the city. The map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided. (This map may be provided by the city at the discretion of the zoning administrator.)
- 3) A copy of the application to the state department of administration for review of the proposed annexation.
- 4) A written statement of the reasons why the petitioner is seeking annexation, such as a need to connect to municipal sewer service because of a failing septic system or a desire to subdivide the territory to be annexed and provide municipal water and sewer service to the lots in the subdivision, the reasons why the proposed annexation is or is not consistent with the city's comprehensive plan, and the reasons why the proposed annexation is or is not consistent with any boundary agreement between the city and a township;
- 5) If the proposed annexation is not consistent with the city's comprehensive plan, such written statement shall include a request for an amendment to the city's comprehensive plan so that the proposed annexation and the plan will be consistent and the reasons why the city council should amend the plan as requested by the petitioner.
- 6) A statement of the current zoning of the territory that is proposed to be annexed;
- 7) If the current zoning of the territory that is proposed to be annexed is not agricultural, an application for change in zoning under section 130-173;
- 8) The fee, if applicable, for an application for change in zoning under section 130-178;
- 9) The fee under section 110-255.

(Ord. 2005-27)

Sec. 16-2. Notice of public hearing.

The zoning administrator shall mail to property owners and publish a notice of public hearing regarding a petition for annexation that meets all of the notice requirements for an application to amend the official zoning map and/or zoning classification under section 130-175(c). The notice of public hearing shall include the proposed zoning for land covered by the petition, as described under section 16-6 below.

(Ord. 2005-27, Ord. 2012-20)

Sec. 16-3. Public hearing and review by plan commission.

After the mailing and publication of the notice under section 16-2 and before making its recommendation to the council, the plan commission shall hold a public hearing on the petition for annexation. The plan commission shall review the petition for annexation and accompanying documents and recommend to the council approval or denial of the annexation ordinance and any associated request for an amendment to the city's comprehensive plan. If the petition is not consistent with any boundary agreement between the city and a township, the plan commission shall recommend denial of the petition. The plan commission shall also make a recommendation on the zoning of the land covered by the petition, as described in section 16-6.

(Ord. 2005-27, Ord. 2012-20)

Sec. 16-4. Action by city council.

Notwithstanding any provision in chapter 130 to the contrary, the city council shall take no action on an annexation ordinance, other than giving the ordinance its first reading, and any associated application for change in zoning until the time for the state department of administration to review and issue a written comment on the proposed annexation has expired. If the proposed annexation is not consistent with the city's comprehensive plan, the city council shall deny the petition, impose conditions on approval of the petition sufficient to make the annexation consistent with the plan, or amend the plan. If the petitioner has requested an amendment to the city's comprehensive plan, the city council shall take no action on the petition until any required notice and public hearing regarding amendment of the plan has been provided and held. If the petition is not consistent with any boundary agreement between the city and a township, the city council shall deny the petition. Council action to approve the petition shall include action on the zoning of the annexed land.

(Ord. 2005-27, Ord. 2012-20)

Sec. 16-5. Fees.

A fee as the council shall establish and may from time to time modify by resolution, as set forth in appendix A, is required for consideration of a petition for annexation. In addition to the fee under this section, the applicant shall reimburse the city for all administrative, planning, engineering and legal service costs of evaluating the annexation and the feasibility of any proposed development of the territory to be annexed. The applicant shall execute for the benefit of the city a written agreement to reimburse the city for such costs. No petition for annexation shall be processed by the city until such reimbursement agreement is executed and filed with the city clerk-treasurer and the required security, as approved by the city administrator, is provided. Such agreement and a preliminary land divider's agreement under section 110-32(b) may be combined into a single document.

(Ord. 2005-27)

Sec. 16-6. Zoning of Annexed Land.

- (1) All land annexed to the city shall automatically be zoned A under Chapter 130, Article VIII, Division 2, unless a petition requests a different zoning designation, per (2) and (3) below.
- (2) Petitioners may request that land covered by the petition be zoned to a non-agricultural district. The Plan Commission may recommend approval of the requested zoning district to the City Council, or may recommend that the petition be zoned according to (1) above.
- (3) An annexation petitioner may not request multiple zoning districts, Planned Unit Development zoning, Mobile Home Parks District zoning, or Traditional Neighborhood Development zoning under (2) above.

(Ord. 2012-20)